IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 26386 of 2004(N)

PETITIONER:

L.MOHANAN,
T.C.27/1035 (5 AND 6), RISHI MANGALAM,
VANCHIYOOR, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA
SRI.FAIZAL P.LATHEEF
SRI.M.S.KALESH
SRI.AJAYA KUMAR. G
SRI.M.R.SARIN
SMT.K.L.SREEKALA

RESPONDENTS:

CITY CORPORATION OF TRIVANDRUM,
REPRESENTED BY THE SECRETARY, CORPORATION OF
TRIVANDRUM, CORPORATION BUILDING, TRIVANDRUM.

BY STANDING COUNSEL SRI.NANDAKUMARA MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 26386 of 2004

Dated this 15th day of March, 2007

JUDGMENT

Even though the submission of Sri.R.S.Kalkura that relegating the petitioner after the writ petition was under consideration for about three years to statutory remedy, cannot be said totally without force, I am of the view that since the Tribunal has been constituted subsequent to the filing of the writ petition and the Tribunal will be able to take decision even on contentious factual issues, I relegate the petitioner to remedy by way of revision before the Tribunal and dispose of the writ petition accordingly.

2. If the Tribunal receives revision petition from the petitioner under Section 509(8) of the Municipalities Act within one month of the petitioner receiving a copy of this judgment, the Tribunal will entertain the revision petition as one filed on time and dispose of the same in accordance with law. The

interim order passed on 9.9.2004 is made absolute and it is made clear that the payment already made by the petitioner will be subject to the outcome of the prospective revision petition to be filed by the petitioner before the Tribunal.

PIUS C.KURIAKOSE
Judge

dpk